

REMARKS

Applicant is in receipt of the Office Action mailed March 22, 2004. Further consideration of the present case is earnestly requested in light of the following remarks.

Applicant thanks Examiner for the Interview of June 29, 2004. In this interview, Applicant and Examiner discussed the current rejections. As a result of the interview, Applicant agreed to amend the independent claims to clarify the nature of a graphical program, i.e., that a graphical program is a program that is executable by a computer system. The Examiner stated that this would overcome the art of record, but that he may perform a new search.

§102 Rejections

The Office Action rejected claims 1-40 under 35 U.S.C. 102(e) as being anticipated by Yamamoto et al. (US 6,553,431, hereinafter "Yamamoto").

As the Examiner is certainly aware, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant respectfully submits that, as discussed with Examiner in the Interview, Yamamoto nowhere teaches or suggests a graphical program. As noted above, Applicant has amended the present claims to clarify that a graphical program is a "program", i.e., a graphical program is executable by a computer system. Instead, Yamamoto teaches creating configuration profiles using a GUI (graphical user interface) and sending the profile to a file server (Yamamoto col. 11, 12-29 and col. 11, lines 30-33). Claim 1

currently recites “. . . wherein the graphical program is executable by the computer.” Yamamoto nowhere teaches or suggests this feature.

Furthermore, Applicant respectfully submits that Yamamoto describes an information processing system and method for determining an appropriate output device from a plurality of output devices for a given input device, based upon device information (Yamamoto col. 3), e.g., entered by a user via console panels of the respective devices (Yamamoto col. 9, lines 7-19) while the Office Action asserts:

“As per claim 1, Yamamoto et al. teaches a method for propagating type information for hardware device nodes in a graphical program, wherein the method operates in a computer including a display screen and a user input device, the method comprising:

displaying on the screen a First [sic] hardware device node in the graphical program in response to user input wherein the graphical program comprises a plurality of interconnected nodes or icons, wherein the plurality of interconnected nodes or icons visually indicate functionality of the program (Fig 6, col. 9 lines 7-19, Fig. 27A, items ‘A5F-1’, ‘my digital camera’, ‘engineer fax’, ‘muto@cpdc’);. . .”

In the cited Figure 6 or passage (Yamamoto col. 9, lines 7-19), Yamamoto nowhere shows, teaches, describes, or suggests “. . . displaying on the display screen of the computer a first hardware device node in the graphical program in response to user input, wherein the graphical program comprises a plurality of interconnected nodes or icons, wherein the plurality of interconnected nodes or icons visually indicate functionality of the graphical program. . .” as currently included in claim 1. Yamamoto nowhere teaches or suggests this feature.

Applicant respectfully submits that, at least for one or more reasons presented herein, Claim 1 is patentably distinguished over Yamamoto. Accordingly, Applicant respectfully submits Claim 1 and those depending therefrom are allowable.

Claim 18 includes limitations similar to Claim 1, and so the arguments presented above apply with equal force to Claim 18, as well. Applicant respectfully submits that

for at least one or more reasons presented herein, Claim 18 and those depending therefrom are allowable.

Claim 32 includes limitations similar to Claim 1, and so the arguments presented above apply with equal force to Claim 32, as well. Applicant respectfully submits that for at least one or more reasons presented herein, Claim 32 and those depending therefrom are allowable.

Applicant's invention as currently recited in Claim 10 includes in pertinent part, “. . .selecting a method or property of the first hardware device class for the first hardware device node in response to user input. . .” Yamamoto nowhere teaches or suggests this feature.

Claim 10 includes limitations similar to Claim 1, and so the arguments presented above apply with equal force to Claim 10, as well.

Applicant respectfully submits that, at least for one or more reasons presented herein, Claim 10 is patentably distinguished over Yamamoto. Accordingly, Applicant respectfully submits Claim 10 and those depending therefrom are allowable.

Claim 26 includes limitations similar to Claim 1, and so the arguments presented above apply with equal force to Claim 26, as well. Claim 26 includes limitations similar to Claim 10, and so the arguments presented above apply with equal force to Claim 26, as well. Applicant respectfully submits that for at least one or more reasons presented herein, Claim 26 and those depending therefrom are allowable.

Claim 39 includes limitations similar to Claim 1, and so the arguments presented above apply with equal force to Claim 39, as well. Claim 39 includes limitations similar to Claim 10, and so the arguments presented above apply with equal force to Claim 39, as well. Applicant respectfully submits that for at least one or more reasons presented herein, Claim 39 and those depending therefrom are allowable.

Applicant also respectfully submits that numerous ones of the dependent claims recited further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

Removal of the §102 rejection of Claims 1-40 is respectfully requested.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-52100/JCH.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Request for Approval of Drawing Changes
- ☒ Request for Continued Examination
- ☐ Check in the amount of \$ for fees ().
- ☐ Other:

Respectfully submitted,



Jeffrey C. Hood
Reg. No. 35,198
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800
Date: 7/8/2004 JCH/MSW/IMF